

Application No.10/601,927
Amendment dated April 7, 2005
Reply to Office Action of 12/29/2004

REMARKS

Claims 1-20 are pending. Claim 4 is cancelled herein. Accordingly claims 1-3 and 5-20 are at issue.

Claims 1-20 are rejected under 35 USC §102(b) as anticipated by Sugiura et al.

The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Claim 1 is directed to an airbag apparatus for a motorcycle. As amended, claim 1 calls for a retainer for the airbag mounted to a lower portion of the motorcycle with the airbag being deployed in a primarily upward, vertical direction. Inflation control means is spaced upwardly from the retainer for restricting inflation of the airbag in a predetermined direction that is generally aligned with the rider movement due to frontal collisions and allowing inflation of the airbag in the upward, vertical direction transverse to the inflation direction aligned with the rider movement. Sugiura et al. do not disclose or suggest the recited arrangement of the retainer and inflation control means as called for in amended claim 1.

Sugiura et al. disclose an airbag device 18 that has a case 22 in which the airbag 26 and inflator 34 are contained with the case disposed behind panel 16 in front of the passenger seat 14 in a passenger compartment of an automobile (FIG. 7). Straps 36 are secured at their ends 36A to sidewall portions 22 of the airbag case 22 and sewn to the airbag at their other ends 36B. The airbag is inflated primarily in a horizontal direction toward the passenger in direction X as indicated in FIG. 2. Accordingly, Sugiura et al. lack a retainer that is mounted to a lower portion of a motorcycle with the airbag being deployed in a primarily upward, vertical direction, as recited in claim 1. In addition, Sugiura et al. lack the recited inflation control means that is spaced upwardly from the retainer. Instead, the corresponding straps

36 of Sugiura et al. are attached to the case 22 and extend therefrom in alignment therewith during airbag inflation. Accordingly, it is believed claim 1, and claims 2, 3, and 5-12 which depend cognately therefrom, are allowable over Sugiura et al.

Many of the dependent claims recite limitations which further delineate over Sugiura et al. For instance, claim 2 calls for the inflation control means to be tethering means that connect generally opposing portions of the airbag to restrict airbag inflation in the direction aligned with the rider movement. Again, Sugiura et al. has their straps attached at one end to the case in each of the embodiments rather than to opposing portions of the airbag for restricting airbag inflation as recited in claim 2. Similarly, claim 6 calls for the inflation control means to be a connector that is attached to airbag panels at either of its ends. No such connector is disclosed or suggested by Sugiura et al. Amended claim 9 calls for the inflation control means to be a tether attached at forward and rearward airbag portions such that upon airbag deployment and full inflation thereof a recess is formed in the airbag adjacent the rider. Sugiura et al. lack the recited tether attached at opposing forward and rearward airbag portions as well as the recited recess formed in the fully inflated airbag. Accordingly, it is believed these claims are allowable for these additional reasons.

Claim 13 is directed to an airbag apparatus for a motorcycle and, as amended, calls for a retainer, and an airbag for being deployed from the retainer forwardly of the motorcycle seat. At least one direction control member is associated with the airbag to optimize airbag inflation in a predetermined, primary inflation direction. A plurality of connections between the control member and the airbag are at predetermined positions on the airbag spaced from the retainer such that the control member and the connections to the airbag cause the predetermined inflation direction to be transverse to generally forward movement of the rider

caused by frontal collisions and to minimize time for full airbag inflation in the primary inflation direction. Sugiura et al. do not disclose or suggest the connections recited in amended claim 13.

More particularly, Sugiura et al. teach connecting the straps 36 at 36A and 36B to achieve upwardly directed inflation of their airbag in direction W. However as previously discussed, connection 36A of the Sugiura et al. airbag is specifically taught to be to the opposing case wall portions 22B. Accordingly, Sugiura et al. lack the recited plurality of the connections on the airbag that are positioned so that it is the control member and the connections to the airbag that cause the predetermined, primary inflation direction to be transverse to the generally forward movement of the rider caused by frontal collisions. In each embodiment of Sugiura et al., without the described connection to the airbag case, the straps and the airbag would not function to cause airbag inflation, as called for in claim 13. In addition, Sugiura et al. are focused on providing two-stage inflation with the straps by way of the provision of folded portions 36C of the straps. This two-stage inflation of the airbag is contrary to the control member and airbag connections as recited in claim 13 which minimize time for full airbag inflation in the primary inflation direction. Accordingly, it is believed claim 13, and claims 14-18 which depend cognately therefrom, are allowable over Sugiura et al.

Claim 19 is directed to a method for manufacturing an airbag apparatus for a motorcycle. As amended, claim 19 calls for providing an airbag and a retainer therefor. The method further recites connecting at least one direction control member to the airbag spaced from the retainer for optimizing inflation of the airbag in a predetermined direction and so that the control member is not connected to the retainer with the airbag inflated. Sugiura et al. do not disclose or suggest the

Application No.10/601,927
Amendment dated April 7, 2005
Reply to Office Action of 12/29/2004

manufacturing method of claim 19 including the manner in which the direction control member is connected to the airbag.

More particularly, Sugiura et al. do not connect the straps to their airbag so that it is spaced from the case. Instead, as previously discussed, the straps of Sugiura et al. are all attached at one end to a case wall. Also, Sugiura et al. do not have straps that are not connected to the retainer with the airbag inflated. When the airbag of Sugiura et al. is inflated such as shown on page 5 and 6, the straps remain connected to the case wall. Accordingly, it is believed claim 19, and claim 20 which depends therefrom, are allowable over Sugiura et al.

Based on the forgoing, reconsideration and allowance of claims 1-3 and 5-20, are respectfully requested.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

By


Stephen S. Favakeh
Registration No. 36,798

Dated: Apr. 17, 2005

120 South LaSalle Street
Suite 1600
Chicago, Illinois 60603-3406
Telephone 312.577.7000
Facsimile 312.577.7007